

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

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In re:

**Amy Lynn Henderson**

S.S. No.: xxx-xx-9749

Mailing Address: 2713 Omah Street, Durham, NC 27705-

**Case No. 09-82159**

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Debtor.

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**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtor has filed for relief under Chapter 13 of the United States Bankruptcy Code on December 3, 2009.

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtor's proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: January 11, 2010

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

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John T. Orcutt  
N.C. State Bar No. 10212  
Counsel for the Debtor  
6616-203 Six Forks Rd.  
Raleigh, N.C. 27615  
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

# **CH. 13 PLAN - DEBTS SHEET** (MIDDLE DISTRICT - DESARDI VERSION)

Date: 12/1/09

Lastname-SS#: Henderson-9749

## RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN

Creditor Name	Sch D #	Description of Collateral

## SURRENDER COLLATERAL

Creditor Name	Description of Collateral

## ARRIARAGE CLAIMS

Creditor Name	Sch D #	Arrearage Amount	(See *)
			**
			**
			**
			**
			**
American Home			**
American Home- Escrow			**
			**
			**

## REJECT EXECUTORY CONTRACTS/LEASES

Creditor Name	Description of Collateral

## LTD - DOWN PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS

Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
American Home		\$793	N/A	n/a	\$793.00	Residence & Escrow
American Home- Escrow		\$76	N/A	n/a	\$76.00	Residence & Escrow
			N/A	n/a		
			N/A	n/a		

## STD - SECURED DEBTS @ FMV

Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Faslo- 2nd DOT			6.00			House & Land
			6.00			
			6.00			
			6.00			

## STD - SECURED DEBTS @ 100%

Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
			6.00			
			6.00			

ATTORNEY FEE (if unpaid part)		Amount
Law Offices of John T. Orcutt, P.C.		\$2,800
SECURED TAXES		Secured Amt
IRS Tax Liens		
Real Property Taxes on Retained Realty		
UNSECURED PRIORITY DEBTS		Amount
IRS Taxes		
State Taxes		\$125
Personal Property Taxes		\$439
Alimony or Child Support Arrearage		
CO-SIGN PROTECT (Pay 100%)	Int. %	Payoff Amt
All Co-Sign Protect Debts (See*)		
GENERAL NON-PRIORITY UNSECURED		Amount
DMI=	None(\$0)	None(\$0)

## PROPOSED CHAPTER 13 PLAN PAYMENT

\$ **\$1,097** per month for **60** months, then

\$ **N/A** per month for **N/A** months.

Adequate Protection Payment Period: **16.20** months.

Sch D # - The number of the secured debt as listed on Schedule D.

Adequate Protection - Monthly 'Adequate Protection' payment amt.

\* - May include up to 2 post-petition payments.

\* Co-sign protect on all debts so designated on the filed schedules.

\*\* - Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan\_MD\_(New\_DeSardi) (6/24/09) © John T. Orcutt

## Other Miscellaneous Provisions

Plan to allow for 3 "waivers".

The Debtor's mortgage with American Home is secured by her residence and the escrow account. As such it is not protected from modification by 1322(b)(2). Accordingly, the Debtor's plan proposes to modify this from and adjustable rate mortgage to a 5.25% fixed rate mortgage for the remaining term of the note (i.e. until June 1, 2035), with any arrearage re-amortized over that same period, as indicated on the attached re-amortization schedule.

## **CERTIFICATE OF SERVICE**

I, Charlene Free, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II  
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

**All the creditors set forth on the mailing matrix filing in this case.**

/s Charlene Free

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Charlene Free

North Carolina Department of Revenue  
c/o NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629

Internal Revenue Service (ED)\*\*  
Post Office Box 21126  
Philadelphia, PA 19114-0326

Credit Financial Services  
Post Office Box 451  
Durham, NC 27702-0451

Employment Security Commission  
Attn: Benefit Payment Control  
Post Office Box 26504  
Raleigh, NC 27611-6504

US Attorney's Office (ED)\*\*  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461

Dell Financial Services  
c/o Customer Service Correspondence  
Post Office Box 81577  
Austin, TX 78708-1577

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402

Absolute Collection Service \*\*  
421 Fayetteville Street Mall  
Suite 600  
Raleigh, NC 27601

Durham County Tax Collector  
Post Office Box 3397  
Durham, NC 27701

NC Child Support  
Centralized Collections  
Post Office Box 900006  
Raleigh, NC 27675-9006

American Express  
Post Office Box 981535  
El Paso, TX 79998-1535

Faslo Solutions  
Post Office Box 77404  
Ewing, NJ 08628

Equifax Information Systems LLC  
P.O. Box 740241  
Atlanta, GA 30374-0241

American Home Mortgage  
P O Box 631730  
Irving, TX 75063

Home Depot Credit Services\*\*  
Post Office Box 689100  
Des Moines, IA 50368-9100

Experian  
P.O. Box 2002  
Allen, TX 75013-2002

CitiFinancial  
3823 Guess Road  
Durham, NC 27705

Internal Revenue Service (MD)\*\*  
Post Office Box 21126  
Philadelphia, PA 19114-0326

Innovis Data Solutions  
Attn: Consumer Assistance  
P.O. Box 1534  
Columbus, OH 43216-1534

Citifinancial  
Post Office Box 499  
Hanover, MD 21076

Law Offices of John T. Orcutt  
6616-203 Six Forks Road  
Raleigh, NC 27615

Trans Union Corporation  
P.O. Box 2000  
Crum Lynne, PA 19022-2000

College Foundation  
2917 Highwoods Boulevard  
Raleigh, NC 27604-1021

Lowe's  
c/o Encore Receivable Management  
400 N. Rogers Road  
Post Office Box 3330  
Olathe, KS 66063-3330

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Road, Ste. 100  
Woodbury, MN 55125

Credit Bureau of Greensboro\*\*  
Post Office Box 26140  
Greensboro, NC 27402-0040

Medical Bills

North Carolina Department of Revenue  
c/o Reginald S. Hinton  
Post Office Box 25000  
Raleigh, NC 27640-5000

North Carolina Dept of Revenue\*\*  
Post Office Box 1168  
Raleigh, NC 27602-1168

Shapiro & Ingle, LLP, Attorneys  
8520 Cliff Cameron Drive  
Suite 300  
Charlotte, NC 28269

US Attorney's Office (MD)\*\*  
Middle District  
Post Office Box 1858  
Greensboro, NC 27502-1858

Verizon NC  
236 E Town St  
#170  
Columbus, OH 43215

Wachovia Dealer Financial Services  
Post Office Box 25341  
Santa Ana, CA 92799-5341